

FILED

AUG 13 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 15-90033

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge was improperly assigned to several of complainant's separate cases. Our circuit has held that an individual "has no right to any particular procedure for the selection of [a] judge" and is only "entitled to have that decision made in a manner free from bias or the desire to influence the outcome of the proceedings." Cruz v. Abbate, 812 F.2d 571, 574 (9th Cir. 1987). In order to conserve judicial resources, related cases are often assigned to the same judge. Complainant offers no evidence that the underlying cases were assigned with an improper motive or purpose, or that the subject judge was even involved in case assignments. Accordingly, this charge must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the judge improperly failed to recuse and made other improper rulings. Complainant offers no proof that the judge failed to recuse for any improper purpose, and accordingly this charge must be dismissed as merits-related. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Complaint of Judicial Misconduct, 623 F.3d 1101, 1102 (9th Cir. Jud. Council 2010) (holding that the decision not to recuse is merits-related); Judicial-Conduct Rule 11(c)(1)(B).

Complainant further alleges, inter alia, that the judge is a “sociopath” with “psychopathic tendencies.” These charges are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 758 F.3d 1161 (9th Cir. Jud. Council 2014); Judicial-Conduct Rule 11(c)(1)(D).

Complainant has filed at least eight previous judicial misconduct complaints, and was warned that she may be restricted from filing further complaints. In addition, the instant complaint contains abusive language and unsupported accusations. Accordingly, complainant is ordered to show cause why she should not be sanctioned by an order requiring her to obtain leave before filing any further misconduct complaints. See Judicial-Conduct Rule 10(a).

Complainant has thirty-five days from the filing of this order to file a response, which will be transmitted to the Judicial Council for its consideration.

DISMISSED and COMPLAINANT ORDERED TO SHOW CAUSE.